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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2010 JUN 14 AM 10:46

JEANNE HICKS, CLERK

4 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

5 IN AND FOR THE COUNTY OF YAVAPAI

6 STATE OF ARIZONA,

7 Plaintiff,

8 v.

9 JAMES ARTHUR RAY,

10 Defendant.

CAUSE NO. V1300CR201080049

Division PTB

**FIFTH SUPPLEMENTAL
DISCLOSURE BY STATE OF MATTERS
RELATING TO GUILT, INNOCENCE,
OR PUNISHMENT**

12 Pursuant to Rule 15.1(a) and (b) of the Arizona Rules of Criminal Procedure, the
13 Yavapai County Attorney's Office hereby files the following material and information within
14 its possession or control relative to guilt, innocence, or punishment, and further notifies the
15 defendant(s) that said material and information is either typed on this form, is attached hereto
16 and incorporated herein by reference (**) or is available to the defendant(s) for examination
17 and reproduction at the office of the Yavapai County Attorney (****) or has been previously
18 provided to defendant (**), or to be disclosed upon receipt (****)

19 1. The names and addresses of all persons whom the prosecution will call as
20 witnesses in the case-in chief and or rebuttal, together with their relevant written or recorded
21 statements:

20 NAME	ADDRESS	STATEMENT
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21 **OTHER WITNESSES**

- 22 1. Larry Gaither
23 2. Patty Gaither

**

24 2. All statements of the defendant and of any person who will be tried with him:

25 3. All then existing original and supplemental reports prepared by a law
26 enforcement agency in connection with the particular crime with which the defendant is charged.

YCSO DR 09-040205 Supplements 154-155, Bates No. 004115-004124

4. The names and addresses of experts who have personally examined the defendant's or any evidence in this case, together with the results of physical examinations and of scientific tests, experiments of comparisons, including all written reports or statements made by them in connection with this case:

5. A list of all papers, documents, photographs or tangible objects which the prosecution will use at trial or which were obtained from or purportedly belong to the defendant(s):

	Item	Comments/Bates No.	Status
(a)	Evidence items listed in Property/Invoice Receipt submitted 4/29/10	4114	**
(b)	Sedona Regional Communications Center Fire Incident Report	4125-4129 Sedona Fire District Report relating to treatment of Kristina Bivins were disclosed at Bates No. 1610-1615. These additional records were provided when State requested copy of records provided in response to defense subpoena	**
(c)	Supplemental pages to Verde Valley Fire District DRs 05-1590, 08-414, and 091546	4130-4132 DRs previously disclosed at Bates No 1531-1536 These additional pages were provided when State contacted VVFD in response to your disclosure request of 5/14/10	**
(d)	Camp Verde Fire District Hazmat Report incident No. 09-0001699	4133-4137	**
(e)	Screen printout of the listing of all DSS files (interview recordings) provided to Truc Do at interview on 5/21/10	4138-4141 (Previously provided without Bates Numbers)	**

Office of the Yavapai County Attorney

255 E. Gurley Street, Suite 300

Prescott, AZ 86301

Phone: (928) 771-3344 Facsimile: (928) 771-3110

- | | | | | |
|----|-----|---|--|----|
| 1 | (f) | Item 7 - 26 pages of Melissa Phillips' notes (faxed to Det. Willingham 11/1/09) | 4142-4167
(some pages are blurry in original form as faxed) | ** |
| 2 | | | | |
| 3 | | | | |
| 4 | (g) | Item 54 - Kirby Brown's Journal | 4168-4204
(some pages are blank) | ** |
| 5 | | | | |
| 6 | (h) | Item 55 - Kirby Brown's Vision Quest Notebook | 4205-4251
(some pages are blank) | ** |
| 7 | | | | |
| 8 | (i) | Item 56- Kirby Brown's Spiritual Warrior Journal | 4252-4286 | ** |
| 9 | | | | |
| 10 | (j) | Item 57 - Melinda Martin's Notebook | 5287-4334 | ** |
| 11 | | | | |
| 12 | (k) | Item 66 - Photo CD received from Cynthia Manner from 2008 Spiritual Warrior with her notes describing specific photos | 4335-4337 | ** |
| 13 | | | | |
| 14 | (l) | Item 75 - Items found in First Aid Kit (Item 333) | 4338-4356 | ** |
| 15 | | | | |
| 16 | (m) | Item 200 - Spiritual Warrior Folder taken from Defendant's cabin | 4357-4437 | ** |
| 17 | | | | |
| 18 | (n) | Item 202 - Spiritual Warrior Schedules and Agendas (4 pages) | 4438-4441 | ** |
| 19 | | | | |
| 20 | (o) | Item 201 - Black Handwritten Journal | 4442-4553 | ** |
| 21 | | | | |
| 22 | (p) | Item 1049 - CD-R James Ray International & Angel Valley Web Sites | 4554 | ** |
| 23 | | | | |
| 24 | (q) | Item 1048 - Scene Diagrams with supporting documents | 4555-4561 | ** |
| 25 | | | | |
| 26 | (r) | Item 61 - Documents removed from Kirby Brown's backpack (Item 328) | 4562-4585 | ** |

6. A list of all prior felony convictions of the defendant which the prosecution will use at trial:

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1 7. A list of all prior acts of the defendant(s) which the prosecution will use to
2 prove motive, intent, or knowledge or otherwise use at trial:

3 8. All material or information which tends to mitigate or negate the defendant's
4 guilt as to the offense charged or which would tend to reduce his punishment, including all
prior felony convictions or witnesses whom the prosecution expects to call at trial:

5 9. The results of any electronic surveillance of any conversations to which the
6 defendant was a party, or of his business or residence:

7 10. All search warrants that have been executed in connection with this case:

8 11. The identity of any informant(s) involved in this case (if the defendant is
9 entitled to know this fact under Rule 15.4(b) (2).

10 DATED this 14th day of June 2010.

11 

12
13 SHEILA SULLIVAN POLK
14 YAVAPAI COUNTY ATTORNEY

15 COPY of the foregoing delivered
16 June 14th 2010 to:

17 Thomas Kelly

18
19 By: 